

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 17, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-17127 - APPLICANT/OWNER: PICERNE PROVIDENCE II, LLC

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Site Development Plan Review (SDR-17128), if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow 918 parking spaces where 937 parking spaces are the minimum required on 18.98 acres at 6851 North Hualapai Way. No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship; therefore, staff recommends denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/08/03	The City Council approved an annexation (A-0030-02) of five acres in the northern portion of the Master Plan area, south of Grand Teton Drive. While these lands form part of the Master Plan area, they are not part of this Rezoning request. The Planning Commission recommended approval on 10/10/02. The effective date of this annexation is 01/17/03.
02/05/03	The City Council approved an annexation (A-0035-02) of over 1,056 acres in the area bounded by Hualapai Way to the east, Grand Teton Drive to the north, Puli Road to the west and Centennial Parkway and the Beltway alignment to the south, including the subject sites of this Rezoning request. The Planning Commission recommended approval on 09/26/02. The effective date of this annexation is 02/14/03.
03/19/03	The City Council approved a Rezoning (ZON-1520) from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) Zone on approximately 317.5 acres covering 68 separate parcels in the Cliff's Edge area, and approved the related Cliff's Edge Master Development Plan to regulate development and the provision of infrastructure in the area. The Planning Commission and staff recommended approval on 02/13/03.
07/16/03	The City Council approved a Rezoning (ZON-2184) from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) Zone on approximately 704 acres covering 21 separate parcels in the Cliff's Edge area, and approved text modifications to the related Cliff's Edge Master Development Plan to address conditions of approval of ZON-1520. The Planning Commission and staff recommended approval on 06/12/03.

05/05/04	The City Council approved a request for a Major Modification to the Cliff's Edge Master Development Plan (MOD-3955) to change land use designations from Village Commercial to Medium Low Density Residential and Medium Density Residential; from Medium Density Residential to Residential Small Lot; and from Medium Low Density Residential to Pump & Reservoir; to modify Section 6.2.3 regarding retaining walls; and to modify Table 1 (Section 2.2) to reflect changes to the land use categories on 40 acres generally located adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. The Planning Commission recommended approval on 04/08/04.
01/19/05	The City Council approved a request for a Site Development Plan Review (SDR-4730) for a proposed 392-unit multi-family residential development and a Waiver of Cliff's Edge Master Development Plan and Design Guidelines to allow 10-foot setback on the western property line for three-story buildings and a zero-foot setback from the eastern and western property line for one and two-story buildings, on 15.69 acres adjacent to the southwest corner of Dorrell Lane and Hualapai Way. In addition, a request for a Variance (VAR-5547) to allow a 30-foot setback where residential adjacency standards require a minimum of 126 feet was approved by City Council. Staff recommended denial and Planning Commission recommended approval on 12/16/04.
08/17/05	The City Council approved a request for a Rezoning (ZON-6774) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) on 5.0 acres adjacent to the northwest corner of Hualapai Way and Deer Springs Way.
11/16/05	The City Council approved a request for a Major Modification (MOD-9174) to the Cliff's Edge Master Development Plan and Design Guidelines to establish standards for rear-loaded residential small-lot housing products and to add Section 3.2.5B to the Design Guidelines on 1,146 acres generally located adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road.
12/21/06	The Planning Commission recommended approval of companion item SDR-17128 concurrently with this application. The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #17/jm).
<i>Related Building Permits/Business Licenses</i>	
04/06/06	#11757 Civil Plans were pulled for the site
04/13/06	Building Permit C-250-05 (#6003879)
<i>Pre-Application Meeting</i>	
07/20/06	At the pre-application meeting, the applicant explained that this application would focus on the Phase II expansion of the site and there would be minor alterations around the existing site for access and parking. Staff explained that this proposal would require a letter from Cliff's Edge/Providence Design Review Committee (DRC). Staff then explained the submittal requirements for a Site Development Review and Variance (parking).
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	4.46 (Phase 2)
	18.98 (Entire parcel)

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Multi-Family, Undeveloped	PCD (Planned Community Development)	PD (Planned Development) Zone and U (Undeveloped) Zone [PCD (Planned Community Development) Land Use Designation under Resolution of Intent to PD (Planned Development) Zone] [Medium Density Residential Cliff's Edge Special Land Use Designation]
North	Undeveloped	PCD (Planned Community Development)	PD (Planned Development)
South	Undeveloped	PCD (Planned Community Development)	PD (Planned Development)
East	Undeveloped	R (Rural Density Residential)	Clark County Zoning [Rural Estates Residential [2 Units Per Acre]](R-E)]
West	Undeveloped	PR-OS (Parks – Open Space)	PD (Planned Development)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		Y
Cliff's Edge	X		Y
Special Purpose and Overlay Districts		X	Y
Trails		X	Y
Rural Preservation Overlay District		X	Y
Development Impact Notification Assessment		X	Y
Project of Regional Significance		X	Y

DEVELOPMENT STANDARDS

<i>Standard (Cliff's Edge)</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Setbacks Principle Buildings and Accessory Structures from the Property Line <ul style="list-style-type: none"> • Single Story Structures • Two Story Structures • Three Story Structures 	10 Feet 20 Feet 30 Feet	N/A 285 Feet 85 Feet	Y
Principle Buildings and Accessory Structures Adjacent to Street R.O.W. at Parcel Perimeter <ul style="list-style-type: none"> • Single Story Structure • Two Story Structure • Three Story Structure 	10 Feet 20 Feet 25 Feet	100 Feet N/A N/A	Y
Principle Buildings and Accessory Structures Adjacent to Parks, Open Space, Landscaped Areas Adjacent to Perimeter Streets, or Paseo Pl <ul style="list-style-type: none"> • Single Story Structures • Two Story Structures • Three Story Structures 	10 Feet 10 Feet 10 Feet	N/A N/A N/A	Y
Living Area or Porch from Private Street or Parking	10 Feet	10 Feet	Y
Garage Face Setback from Private Street	Less than 5 Feet or 18 Feet plus	N/A	Y
Building Separation <ul style="list-style-type: none"> • Balcony to Balcony • Balcony to Non-Balcony • Non-Balcony to Non-Balcony • Between Main Bldg & Acc. Structure 	30 Feet 20 Feet 15 Feet 10 Feet	60 Feet 21.5 Feet 16.1 Feet N/A	Y
Maximum Bldg Height <ul style="list-style-type: none"> • Principle Building and Accessory Structures 	50 Feet Subject to Setback Criteria Above	38 Feet	Y
Trash Enclosure	Yes	4	Y
Mech. Equipment	Screened	Yes	Y

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Tree/ 10 Spaces	21 Trees	29 Trees	Y
Buffer: Min. Trees	1 Tree/ 30 Linear Feet	32 Trees	43 Trees	Y
TOTAL		53 Trees	72 Trees	Y
Min. Zone Width Hualapai Way	20 Feet		20 Feet	Y
Wall Height	6 Feet		N/A	Y

Open Space Standards per 3.1.3 Cliff's Edge Master Development Plan

Total Acreage	Density	Required		Provided
15.63	24.9	100 Sq. Ft/Unit	39,200 Sq. Ft.	145,087 Sq. Ft.

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
One bedroom unit	198 Units	1 per 1.25	247				
Two Bedroom units	282	1 per 1.75	493				
Units w/more than two bedrooms	36	1 per 2.0	72				
Visitor parking	1 per 5 units	1 per 0.2	103				
Clubhouse	6,487 S.F.	1 per 300	22				
TOTAL			937		918		N
Percent Deviation					2%		N

Handicap Parking	Ratio	Required	Provided
Regular	2% of total required spaces	16	16
Van Accessible	1/6 handicap spaces	3	4
Total		16	20

Type	Provided
Uncovered	350
Covered	508
Garage	60
Total	918

ANALYSIS

The Site Plan depicts a multi-family complex in two phases. The City Council approved Phase 1 (SDR-4730) a 392-unit multi-family development in 01/19/05. The applicant is requesting to add 124 multi-family units on the area designated as Phase 2. Although the Site Development Review application focused on the Phase 2 portion of the site and a small portion of Phase 1 labeled (Site Plan A1.1), the parking analysis must review the entire parcel as a whole.

The Phase 1 development was adequately parked by Title 19.10 standards when approved (SDR-4730), providing 717 parking spaces where 711 were required. However with the applicant's proposal for additions of Phase 2, portions of Phase 1 were modified. Eight garages and parking stalls were replaced with two 3,096 square foot lofts, access aisles and covered parking. These modifications have left the site deficient of the required parking by nineteen parking spaces.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:

"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship. An alternative design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 1

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 34 by City Clerk

APPROVALS 0

PROTESTS 0